

**JOINT**  
**PUBLIC NOTICE**

**CHARLESTON DISTRICT, CORPS OF ENGINEERS**  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107  
and  
**THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
Office of Environmental Quality Control  
Water Quality Certification and Wetlands Programs Section  
2600 Bull Street  
Columbia, South Carolina 29201

REGULATORY DIVISION  
Refer to: P/N # 2003-1N-390-C

9 January 2004

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344) and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

**MR. DENNIS PERMENTER**  
**MYRTLEWOOD REALTY**  
**401 12<sup>TH</sup> AVENUE NORTH**  
**MYRTLE BEACH, SOUTH CAROLINA 29577**

for a permit to place fill material in jurisdictional wetlands adjacent to an

**UNNAMED TRIBUTARY OF MAIN CREEK**

at a location near the intersection of US Highway 17 Business and Melody Lane in Horry County, South Carolina (Latitude – 33.59991 N, Longitude – 78.99824 W).

In order to give all interested parties an opportunity to express their views

**NOTICE**

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

**12 O'CLOCK NOON, MONDAY 9 FEBRUARY 2004**

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of constructing a commercial/multi-family residential development on a 128-acre tract of land. The commercial portion of the proposed project and 20 multi-family residential units are located adjacent to US Highway 17 Business. The applicant plans to place fill material in 0.53 acres of non-jurisdictional freshwater wetlands and 1.26 acres of jurisdictional borrow pits to construct a bank, two fast food restaurants, a gas station, and 5 office/retail buildings.

In order to access the rear of the project site, the applicant plans to construct a road crossing that will impact 0.42 acres of jurisdictional freshwater wetlands. A second road crossing will impact 0.11 acres of jurisdictional freshwater wetlands to access an approximately 2-acre upland island where 3 multi-family

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residential units will be located. An additional 0.13 acres of jurisdictional wetlands and 0.78 acres of non-jurisdictional wetlands will be impacted to construct 8 multi-family residential units. A total of 62 multi-family residential units and an amenities center will be constructed on the rear of the project site.

The applicant has proposed a compensatory mitigation plan that consists of the preservation of the remaining 32.21 acres of jurisdictional wetlands and 4.16 acres of non-jurisdictional freshwater wetlands. The applicant has proposed to establish a 35-foot average width upland buffer (12.60 acres). According to the applicant, the purpose of the proposed impacts to waters of the United States is to provide access to developable uplands and to convert wetlands and other waters of the United States into uplands to construct an office/retail building and a multi-family housing unit.

**NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the**

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.66 acres of waters of the United States upstream of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has made no determination of effect on any Federally endangered, threatened, or proposed species. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any Federally listed or proposed to be listed endangered or threatened species and/or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

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The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.



Nathaniel I. Ball  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers

**SITE**

LON: -78.9996

H-Frame  
Powerline

4 Lane

LAT: 33.6087

Surfside Beach

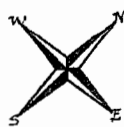
Garden City Beach

# **LOCATION MAP**

TUPELO BAY GOLF VILLAS & COMMERCIAL CENTER (PROP.)  
HORRY COUNTY, SOUTH CAROLINA  
INDIVIDUAL 404 PERMIT APPLICATION

DATE: 12/02/03 PAGE 1/5  
APPLICATION NO. \_\_\_\_\_

THE WETLAND DELINEATIONS USED IN PREPARING THIS WETLAND MASTER PLAN HAVE BEEN DONE IN ACCORDANCE WITH CORPS. OF ENGINEERS METHODS AND TECHNIQUES AND ARE AN ACCURATE REPRESENTATION OF ALL JURISDICTIONAL WETLANDS WITHIN THE PROJECT. THE DELINEATION HAS BEEN REVIEWED AND APPROVED BY THE CORPS. AND ASSIGNED THE FOLLOWING ACTION NUMBER: SAC-81-2003-1091(X)



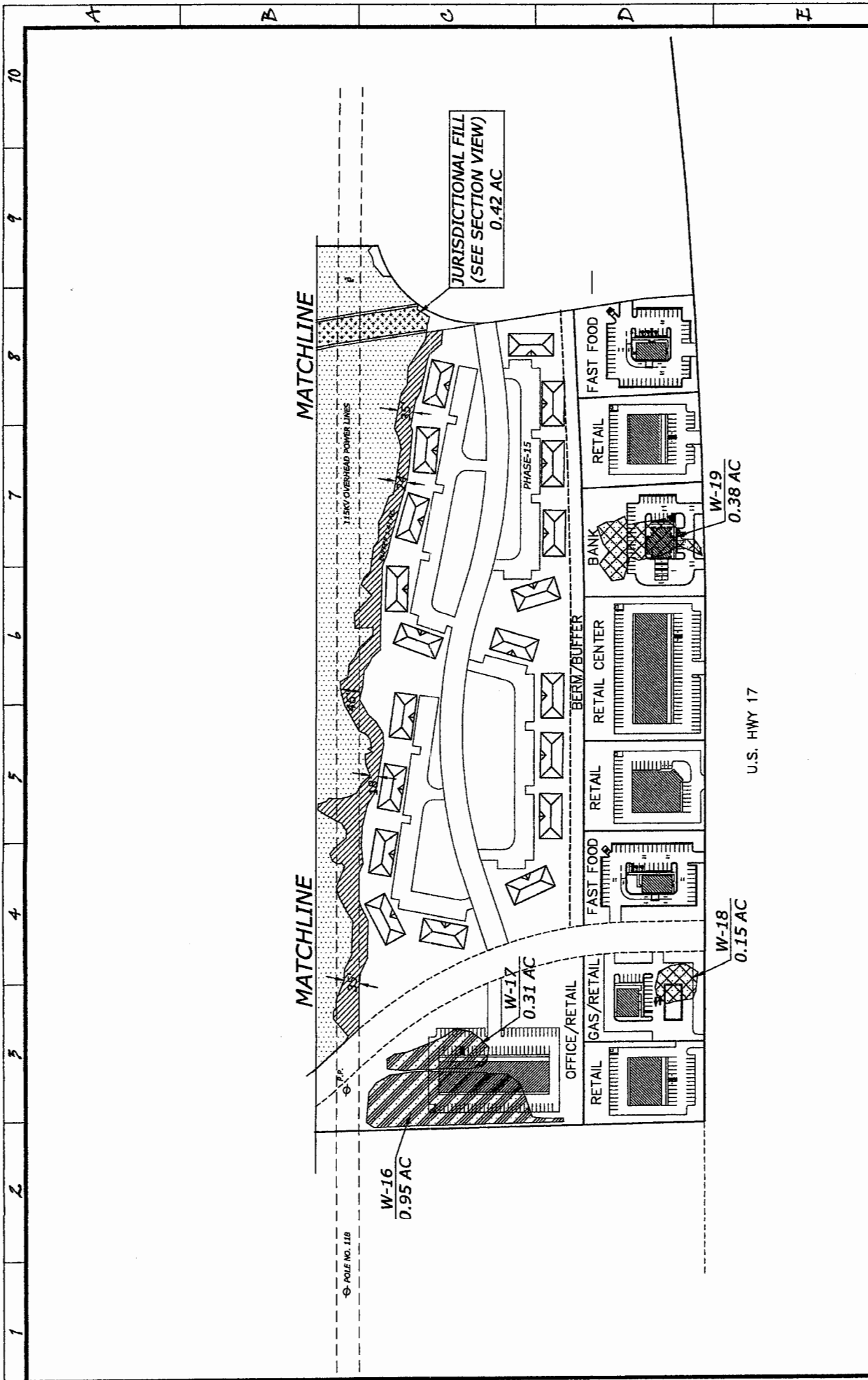
SCALE IN FEET  
2540' 0 2540'

TOTAL PROP. AREA	128.65 ACRES
ORIGINAL WETLANDS	38.29 ACRES
ISOLATED WETLAND FILL	1.31 ACRES
JURIS. WETLAND FILL	0.66 ACRES
JURIS. POND FILL	1.26 ACRES
UPLAND BUFFER	12.60 ACRES
WETLAND PRESERVATION	35.12 ACRES

30-03102 Drawings Permit

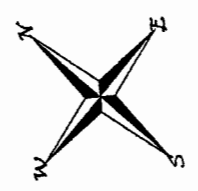
ML 109537





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SCALE IN FEET  
300' 0 300'

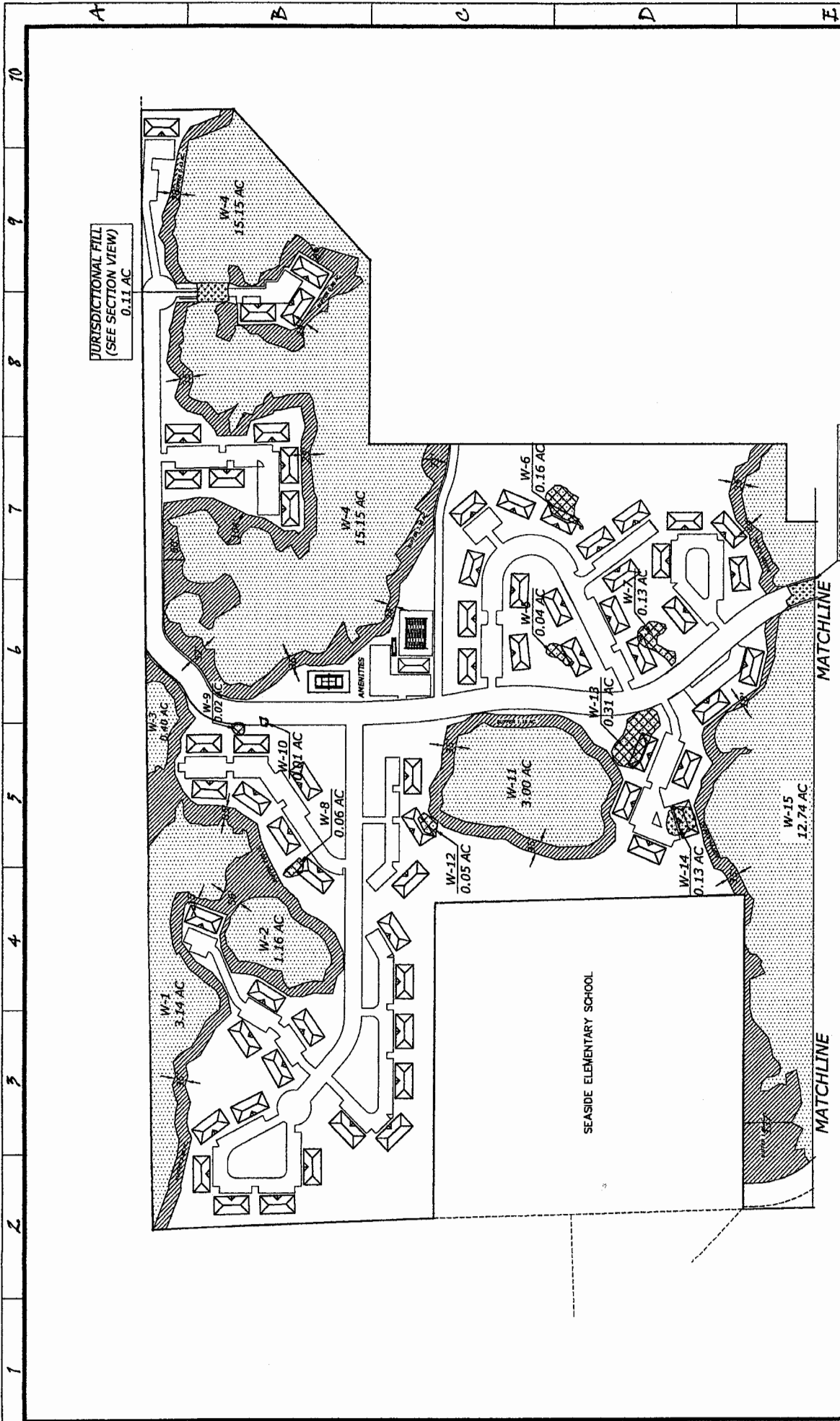


# **PLAN/SECTION VIEW** **TUPELO BAY GOLF VILLAS & COMMERCIAL CENTER (PROP.)** **HORRY COUNTY, SOUTH CAROLINA** **INDIVIDUAL 404 PERMIT APPLICATION**

DATE: 12/02/03  
APPLICATION NO. \_\_\_\_\_  
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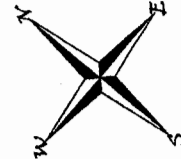
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SCALE IN FEET  
0 400'



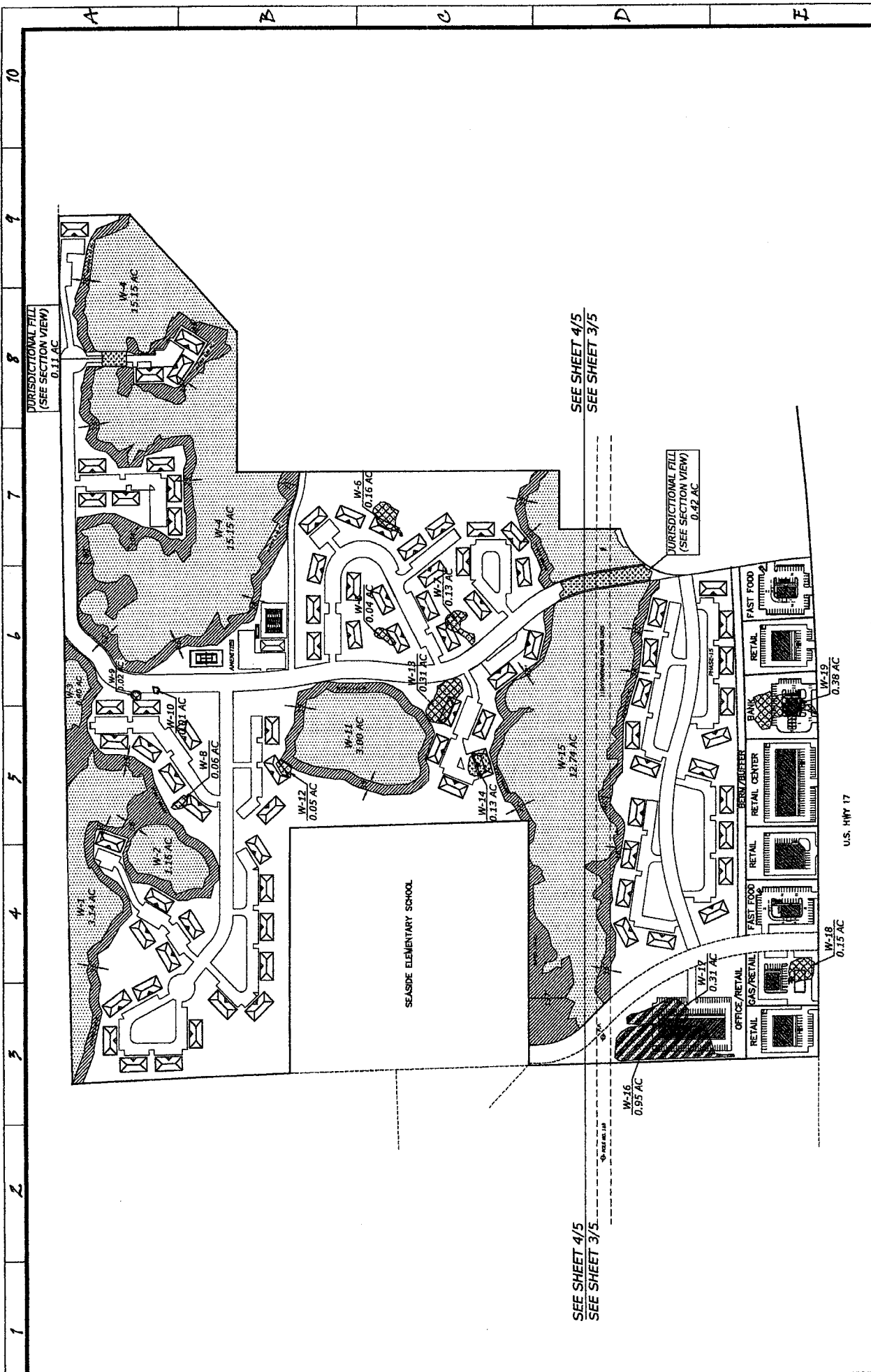
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HORRY COUNTY, SOUTH CAROLINA  
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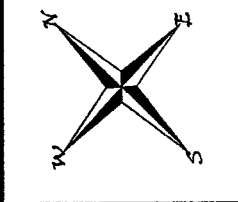
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SCALE IN FEET  
0 500'



**PLAN/SECTION VIEW**

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